



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 24, 2013

The Honorable Russell Prescott, Chairman
Energy and Natural Resources
Legislative Office Building, Room 101
Concord, NH 03301

RE: HB 588 extending the instream flow pilot program for 2 years

Dear Chairman Prescott:

Thank you for the opportunity to comment on HB 588, extending the instream flow program and concordant legislative committee reporting. The Department of Environmental Services (DES) supports this legislation.

HB 588 would extend the timeframe for DES to adopt protected instream flows and implement water management plans for the Lamprey and Souhegan Rivers pilot projects until September 1, 2013. The evaluation period would also be extended until December 1, 2015 when DES would file a report to the Legislature detailing the activities and results of these pilot programs. HB 588 would also align the dates for the final report by the Committee to Study the Impact of Water Withdrawals on Instream Flows (SB330, Laws of 2000) with evaluation completion.

The goal of the Instream Flow Program is to ensure that the appropriate balance exists between the diverse uses of rivers designated by the Legislature under RSA 483:15 of the Rivers Management and Protection Act due to their special characteristics. In 2002, DES was directed by the Legislature to implement a pilot instream flow program to establish protected instream flows and adopt water management plans for the Lamprey and Souhegan Designated Rivers. The Instream Flow Program includes two parts. First, DES determines the flow conditions in a stream that will protect aquatic life. Then, water management plans are completed that describe how water users and dam owners will operate to maintain those protected flow conditions. This has been a long and complex process.

In 2012, DES conducted additional studies to evaluate questions and concerns raised by the public. We also met numerous times with municipal officials and interested citizens to attempt to resolve concerns prior to adopting the final Water Management Plans. Then, DES published draft Lamprey and Souhegan River Water Management Plans for public review and received public comment. DES is currently in the process of finalizing both plans based on public comments, discussions with stakeholders, and some additional studies of flows and water levels.

If HB 588 were enacted, the additional time would be used to conduct additional meetings with stakeholders and then for initial plan implementation. These activities

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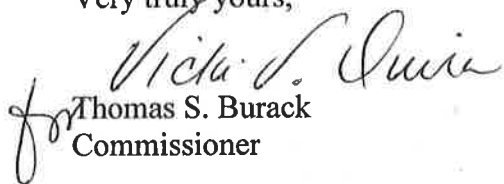
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would be used to further refine the procedures for flow management and to address any other practical operational concerns that might be identified. The results would be communicated in a report to the Committee to Study the Impact of Water Withdrawals on Instream Flows. The Legislature would then have the opportunity to review the final Lamprey and Souhegan pilot project results with the benefit of this additional analysis to help determine the future direction of the Instream Flow Program.

Please feel free to call Ted Diers at 271-3289 or ted.diers@des.nh.gov or me at 271-2958 if you have any questions or need additional information.

Very truly yours,


for Thomas S. Burack
Commissioner

cc: Representative Spang
Representative Beaulieu
Representative Smith
Representative Ginsburg
Senator Reagan
Senator Watters
RMAC Members (via electronic mail)
LAC Chairs (via electronic mail)